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STATEMENT

OF THE

CAUSES WHICH LED TO THE WITHDRAWAL

OF THE

DEPUTIES

FROM THE LATE

DIOCESAN CONVENTION

OF SOUTH CAROLINA.

⋮

PREPARED BY THE COMMITTEE

APPOINTED FOR THAT PURPOSE.

CHARLESTON, S. C.

WALKER, EVANS & COGSWELL CO., PRINTERS,

Nos. 3 and 5 Broad and 117 East Bay Streets.

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STATEMENT.

TO THE MEMBERS OF THE PROTESTANT EPISCOPAL CHURCH
IN THE DIOCESE OF SOUTH CAROLINA :

The undersigned were appointed a Committee by the Delegates who withdrew from the late Diocesan Convention to prepare a statement of the causes which impelled them to do so.

It will be necessary in doing this to recall the history of the great question which so unhappily has divided this Diocese for the last twelve years. This we shall endeavor, calmly and dispassionately, to do, and that as briefly as possible; and, minding the deep feeling which has arisen in regard to it, we shall be careful to avoid, if possible, any expression which may wound the feelings of those who differ with us, especially as we remember that those with whom we have chiefly now to contend in this matter are those to whom in our childhood we were taught in our catechism that it is our duty to submit ourselves as to our "governors, teachers, spiritual pastors and masters." Which in all matters pertaining to their rightful authority we reverently pray that we may do; but as reverently will we maintain the rights of the Order in the Church which as Laymen we represent.

CONVENTION OF 1875.

The Convention which met May 12th, 1875, was a memorable one. It was opened with the grand and imposing ceremonial commemorating the existence of the Church in this Province and State for two hundred years—an occasion upon which, as it was so well said, those who had worshipped sought the quiet of their homes in grateful peace,

feeling that for the future as well as for the past the beautiful day had been a day of memory.

But little did they think that from thenceforth the peace of the Church in this Diocese was, too, to be but a memory—a thing of the past—that the very next day would inaugurate a struggle for an innovation upon the constituency of the government of the Church which would for more than a decade of the new century rend the Diocese asunder, and that twelve years thereafter the oldest servants of the Church—those who had devoted their whole lives to her service—more than one of whom had been in her councils for more than half a century—would be seen walking down that same aisle, through which the solemn procession of Bishop, priests and people had just passed and repassed, leaving in sorrow and distress a body in which they had so long served, and the council of the Church which they so loved.

But so it was to be. For an innovation of at least doubtful expediency in the Church, after two hundred years of its existence in our land, Bishop and clergy were willing to see the lay representatives of two-thirds of her Laymen leave her Convention.

On the next day, May 13th, the Convention met, and upon its organization the Bishop communicated the application of St. Mark's Church (colored) for admission to the Convention, whereupon the following resolution was proposed :

Resolved, That the application of St. Mark's congregation for admission into union with this Convention be referred to a commission of ———, to be appointed by the Bishop, to report to the next Convention upon the same, and all its relations to the Church and constitution of this Diocese.

This resolution gave rise to a discussion, which was continued until the next day. During the discussion several amendments were suggested and moved, two of which we will quote because, though both were laid on the table, they are significant as indicating the views the movers then entertained.

The Rev. J. H. Cornish offered the following as a substitute :

One lay delegate chosen by the communicants of any missionary station or congregation of colored people represented in this Convention by the rector or missionary in charge, acting under the ecclesiastical authority of the Diocese, shall be entitled to have seats assigned them in this house, and may be allowed to speak on any question directly and specially affecting their respective parishes or stations, and no others, upon the motion of any member of this Convention.

This motion was laid on the table, and the Rev. Mr. Prentiss offered the following as a substitute :

Resolved, That while this Convention welcomes the delegates from St. Mark's to all the rights and privileges of this body, it expressly declares and insists that this case shall not be drawn into precedent ; but that hereafter all applications kindred to that of St. Mark's shall be received and decided, each one on its individual merits, *and that this Convention possesses and will exercise the right of excluding from the body all such delegates of the class herein referred, as it shall hereafter regard likely to interrupt the peace of the Church or impede the glory of God.*

This motion was also laid on the table, and the resolution referring the application of St. Mark's to a commission was adopted—the number of the commission being fixed at seven.

It will be observed here that in the commencement, the clergy were not at least unanimous upon the application to this question of St. Paul's maxim that as to those who have been baptized into Christ, there is neither bond nor free, &c.

On the contrary, both these clergymen recognized clearly the right of the Convention to discriminate as to colored people because of their race. Mr. Prentiss went so far as broadly to assert *that the Convention possesses and will exercise the right of excluding from this body all such delegates of the class herein referred, as it shall hereafter regard likely to interrupt the peace of the Church or impede the glory of God.*

He not only asserts the right to exclude colored people from the Convention, but he recognizes that the admission of such people into our Convention may be "*likely to interrupt the peace of the Church or impede the glory of God.*"

If laymen still hold to these opinions entertained by clergymen twelve years ago, are we to be blamed ?

CONVENTION OF 1876.

The commission of seven appointed, under the resolution adopted, consisted of the Rev. Messrs. C. C. Pinckney, D. D., James H. Elliott, D. D., R. S. Trapier and Ellison Capers, and Messrs. Edward McCrady, George A. Trenholm and Wm. F. Colcock. Of these, the Rev. Mr. Capers at that time removed from the Diocese, and Mr. Trenholm's health prevented his serving. Of the other members, the Rev. Mr. Trapier and Messrs. McCrady and Colcock united in one report against the admission of St. Mark's Church into the Convention, and the Rev. Dr. Pinckney and the Rev. Dr. Elliott each presented a separate individual report in favor of its admission.

The report of Messrs. Trapier, McCrady and Colcock concluded as follows:

"In conclusion, the undersigned cannot recommend the admission of St. Mark's congregation into union with this Convention :

"(1.) Because the admission of all other colored congregations must follow that of St. Mark's, as there is no sound reason for making it an exception ; and, in the opinion of the undersigned, the Church is bound to recognize in all its relations to the world, and its offices to mankind, that distinction between the races of men which God has been pleased to ordain and to conform its polity and ecclesiastical organisms to His divine ordinance.

"(2.) Because our colored population are at this time, and must, for a long time to come, be a missionary field, and our Right Reverend Fathers in God have already taken the matter in hand, and will probably make ample provision for them and other races within our territorial limits.

"(3.) Because, in the opinion of the undersigned, St. Mark's congregation cannot now send delegates competent to act as legislators for our Diocese.

"(4.) Because their admission may drive away some of the Churches now in union, and make others indifferent to preserving their connection with this Convention.

"(5.) Because the members of St. Mark's congregation can, without their admission to this body, enjoy every catholic Christian right, and their introduction to our representative legislative body involves their participation, in powers, they are not prepared to exercise advantageously to the Church in this Diocese."

To this was appended a copy of a report upon the same subject made to the Convention of the Diocese of New York in 1846, and which the undersigned also add as an appendix ("A") to this paper. From this report to the New York Convention, it will be seen that the same views we now entertain upon the subject of the admission of the colored element into our Diocesan Convention were entertained by the churchmen of New York forty years ago ; and that if it be true that we are now *contra mundum*, it is to a new doctrine thereon that we are so opposed, and not to a matter of inherent right, which, if it exists to-day, must have existed for all time—*semper eadem*.

Dr. Pinckney's report ended with the recommendation of two resolutions, as follows :

Resolved, That the application of St. Mark's for admission to union with this Convention be granted.

Resolved, That this Convention memorialize the General Convention to provide Missionary Suffragan Bishops for the spiritual oversight of the colored race.

The question was elaborately discussed in the Convention, to which these reports were made, and which was held in Columbia in 1876. Upon the question of the adoption of the first resolution, above mentioned, viz : that the application of St. Mark's for admission to union with this Convention be granted, the vote was taken, and the resolution was lost by a non-concurrence of orders, as follows : Of the Clergy, ayes, 17 ; nays, 9 ; of the Laity, ayes, 12 ; nays, 17 ; divided, 2.

STANDING COMMITTEE ON THE SALTUS' CASE, 1880.

The question thus decided was allowed to rest for several years. It was, however, in a measure, revived in 1880, by the application of Thaddæus Saltus, a colored person, for admission to the order of Deacon. His application, it was understood, caused considerable discussion in the Standing Committee, before whom it came. This discussion

resulted in the adoption of the following resolutions, to be found in the Journal of the Convention for the year 1881, and which will explain the conditions under which his credentials were passed as an exceptional case :

Resolved, I. That under Divine Providence two races have been brought together in this Diocese to occupy the same territory, differing in all those essential characteristics which constitute different peoples, and most especially in Christian knowledge and culture.

Resolved, II. That under such circumstances this Diocese has become a missionary field, in which the race in possession of the higher gifts should endeavor to advance the Christian condition of their deficient neighbors, and are invested with proper authority to promote that end.

Resolved, III. That it would reverse the order of missionary operations, and even of nature itself, and would tend to the advantage of neither race, that the race having the lesser Christian knowledge and culture should be advanced to the position of teachers and rulers of the other race.

Resolved, IV. That the authorities of the Church not realizing that this is the condition of the Southern Dioceses have as yet made no provision for its remedy, and that until such provision shall be made it is not expedient to invest individuals of the less advanced race with official authority over the other race.

Resolved, V. That the practices of the early Church and the experience of our own missionaries in like circumstances, suggests the employment of evangelists and catechists, or some order of inferior clergy, who, under the direction of the Bishop, could supply such religious teaching and services as the occasion may require.

Resolved, VI. That the case now presented to the Committee is exceptional in so many particulars, that when it is understood to be the intention of the applicant to confine the ministrations of his office to St. Marks and similar congregations, the objections to his admission may be considered as sufficiently obviated to allow his testimonials to be signed by the whole Committee.

C. C. PINCKNEY,
President.

There has always been a question as to a further understanding in relation to the Saltus case, viz : that he was not to take his seat in the Convention ; but however that may be, whether it was a mistake on the part of those who thought they had such an assurance, we will not discuss. What we now wish to call attention to are certain statements or admissions in these resolutions which are made by the unanimous consent of the Standing Committee, includ-

ing, of the clergy, the Rev. Dr. Pinckney, Rev. Dr. Porter, Mr. Johnson, Mr. Jackson, who has since left the Diocese, and Mr. Campbell.

These clergymen unite in agreeing as to the anomalous condition of the Church in this Diocese, to wit: that two races are brought together, differing in all those essential characteristics which constitute different peoples, and most especially in Christian knowledge and culture; that under such circumstances the Diocese has become a missionary field; "that it would reverse the order of missionary operations, *and even of nature itself*, and would tend to the advantage of neither race, that the race having the lesser Christian knowledge and culture should be advanced to the position of teachers and rulers of the other race;" and that for the present, at least, "it is not expedient to invest individuals of the less advanced race with official authority over the other race."

These are certainly strong, though but true statements of the difficulties of our position and they go to show that the position of the laity in fact differs from that of many at least of the clergy, not in principle, but in expediency. The clergymen who agreed to this statement fully recognize the peculiar condition of things in the Diocese, and they recognize the evils. They differ from us only as to the measure of the danger, and the manner of avoiding it.

SEWANEE CONFERENCE, 1883.

But the peculiarity as well as the difficulty of the relation of the Church to the colored people has been fully recognized, not only in our own Diocese, but throughout the Church in the South. In April, 1883, the Bishop of Mississippi, the late venerable Bishop Green, addressed a communication to all the Bishops of the Southern States, inviting their attendance at the University of the South, at Sewanee, for the purpose of conferring upon this matter of such vital importance, and requested them to bring with them some one of their clergy. By a subsequent communication, each

Bishop was requested to bring with him also one layman. In response to this invitation, bishops, clergy, and laymen from all the Southern States attended at Sewanee on the 25th July, 1883.

At this Conference the question was considered of Suffragan Bishops, such as had been suggested by the Rev. Dr. Pinckney in his minority report to our Convention of 1876, *i. e.* Bishops who, it was suggested, should be appointed for one or more Dioceses desiring their services, who should be charged with the organization of the colored members into congregations and convocations or conventions as the General Convention should determine; that is, for the establishment of a distinct organization for the colored people. The committee, to which were referred all the resolutions or suggestions upon the subject submitted to the Conference, reported against that plan of Suffragan Bishops. The committee reported that there are grave embarrassments attending each and all proposed methods for the accomplishment of the work. The committee believed that the ecclesiastical unity should not be broken, that for the truest welfare of all mankind there could be but one fold and one chief Shepherd for all the people in any field of ecclesiastical designation. The report went on to say:

* * * "But your committee is of opinion that because of the peculiarity of the relations of the two races one to the other in our country, because of their history in the past, and the hopes of the future, there is needed special legislation, appointing special agency and methods for the ingathering of these wandering sheep into the fold of Christ."

The committee thereupon submitted a draft of a Canon to be presented to the approaching General Convention, (1) authorizing the Bishop and Convention in any Diocese to constitute the colored population into a special missionary organization under the charge of the Bishop; (2) providing an Advisory Board of two or more Presbyters and two or more laymen—presumably from the context to be white persons—to assist the Bishop in this work; (3) authorizing the Bishop to appoint two or more Presbyters as Archdeacons—again presumably white persons—to perform such duties as the Bishop

may assign, and by authority of the Bishop to convene the clergy and laity of such missionary organizations in convention for the purpose of furthering its work ; (4.) requiring the Bishop to report to the General Convention the proceedings and the state of the Church in such missionary organizations; and (5) providing that congregations organized under the provisions of the proposed Canon, and ministers exercising their functions within such special missionary organization *may be received into union with the Convention of the Diocese on such terms and by such process as are provided by the said Diocesan Convention ; that until such reception into union with the Convention shall have been accomplished, it shall suffice if the names of the clergy in such missionary organization shall appear on a separate list, to be delivered to the Secretary of the House of Clerical and Lay Deputies, as containing all the names of the ministers of the churches in the special missionary organizations, and that they be not placed on the Diocesan list as the basis of determining the Diocesan ratio of contingent expenses."*

On the committee which made this report were the Rev. A. Toomer Porter, D. D., and the Hon. Charles Richardson Miles, of South Carolina.

We publish as an appendix "B," a letter from the Hon. C. G. Memminger to the Right Rev. Bishop Howe, written two years before, 28th September, 1881, embodying the same suggestion as those contained in this action of the Sewanee Conference.

The report was adopted, the Bishop of Alabama alone dissenting. Another committee was appointed to lay the proceedings of the Conference before the General Convention, of which committee the Bishop of South Carolina was the chairman.

This Conference, it will be observed, was practically a clerical Conference. The laymen of this Diocese were so fortunate as to be represented by one who truly and ably represented their views. But they had no choice in selecting him. Out of the forty-one members of the Conference there were thirteen Bishops, seventeen clergymen and but eleven laymen. This expression of opinion then was, we may say, a

fair representation of clerical opinion. Here, then, we have another distinct and almost unanimous declaration of the clergy, that the *peculiar relations of the two races need special legislation and special agencies*; and they propose to have special missionary organizations for the colored people, leaving it to each Diocese to provide as it shall choose whether the congregations of these people shall be received into their Convention, and that until they are so received the clergy officiating in these missionary organizations shall not be returned to the general Convention on the list of the clergy of the Diocese, but on a separate list.

Are laymen to be blamed for having the same opinion still, and for still objecting to these people being forced into their Conventions in 1887, when the clergy themselves thought in 1883 that they should be in an organization by themselves?

CONVENTION OF 1885.

Nothing came of the Sewanee Conference. The General Convention took no action upon the recommendations. The House of Bishops, it was understood, approved of the Canon proposed by the Sewanee Conference, but it was not acted upon. And matters so rested in this Diocese until 1885.

At the Convention held in Columbia in that year the subject as to the admission of the colored element unfortunately came up in another form, and connected with another question of scarcely less importance, involving the organization of the Convention itself, and renewing in this Diocese a controversy between the Clerical and Lay Orders which has agitated other Dioceses in which that of the negro controversy has never arisen. It arose in this wise:

The list of the clergy having been laid before the Convention by the Bishop, it was referred to a committee under Section IV, Canon VIII. Upon the report of the committee a resolution was offered by a Lay Delegate that the report of the Committee on the Credentials of Clergymen be amended by striking out the names of two persons so reported, and that

the question of their eligibility be referred to a Committee of Five—two clergymen and three laymen—to be appointed by the Chair, to report to the next Convention whether or no any other than white delegates have a legal and constitutional right to be admitted to membership of the Convention of the Diocese of South Carolina. After much discussion and some attempts to amend, the vote on the original resolution was taken by Orders on the second day and was defeated—two of the clergy voting for the resolution and nineteen against it, and eighteen of the parishes for and nine against it.

On the morning of the third day a Lay Member moved to take up the report of the Committee on the List of the Clergy. The Chair decided that the motion was out of order. An appeal from the Chair was taken, and the Chair announced that the decision was sustained, and thereupon ruled that the two clergymen whose right to seats in the Convention had been questioned were entitled to their seats.

On the next day a protest was presented by a number of clergymen and lay delegates against the action of the Convention in refusing to consider a motion to adopt the report of the Committee on the Credentials of the Clergy, as unparliamentary and illegal, and as drawing into question the very organization of the Convention itself. And they further protested against the position which had been announced by the President, and acted upon practically by the Convention, that, by virtue of their names being on the Bishop's list and reported upon by the Committee on Credentials, certain persons who had been admitted to Holy Orders, to wit: Messrs. H. C. Bishop and Thos. G. Harper, are entitled to and do occupy seats in this Convention. And they further protested against the action of the Convention in affirming that, under our Constitution and laws, persons of color, and not belonging to the white race, are entitled to seats upon the floor of this Convention and to participation in the government of the Church in this Diocese.

The protest was duly entered upon the Journal of the Convention.

PROVISIONS OF THE CANONS AS TO ORGANIZATION.

To understand the question which thus arose in Columbia as to the organization of the Convention we must refer to the following provisions of Canon VIII.

§ III. When the Convention shall have been called to order the Secretary shall proceed to call the names of the Clergy and then of Parishes and Deputies; after which, if a quorum be found present, the President shall declare the Convention duly organized; provided that no Deputy whose seat may be contested shall have place on his list.

§ IV. Two Committees on Credentials shall then be appointed, the first consisting of three Clergymen to whom the roll of Clergy shall be referred; the other of three Laymen to whom shall be referred the roll of Deputies together with the certificate of their appointment, and the list of the Treasurer required by Canon X, Section II. And these Committees shall examine forthwith and report to the Convention upon the lists so referred; the latter specifying in their report which Parishes are entitled to all the privileges of the Convention, and which are by Article VIII of the Constitution debarred from voting until admitted by a vote of the Convention. Should the Committee have considered any certificates unsatisfactory these shall be taken up and the question of their sufficiency settled.

It will be observed that if a quorum shall be found present on the call of the names of the Clergy and of the Parishes and Deputies, the President, it is provided, shall declare the Convention duly organized. But we must not suppose that this organization is all that is necessary before proceeding to business. An important step has yet to be taken. Two Committees on Credentials are to be appointed, one for the Clergy, and another for the Lay Deputies. As Mr. Cushing in his *Manual of Parliamentary Practice* observes, "in all deliberative assemblies, the members of which are chosen or appointed to represent others, it is necessary before proceeding to business to ascertain who are duly elected and returned as members; in order not only that no person may be admitted to participate in the proceedings who is not regularly authorized to do so, but also that a list of the members may be made for the use of the assembly and its officers." He adds: "The proper time for

the investigation is after the temporary and before the permanent organization, or *when the assembly is permanently organized in the first instance before it proceeds to the transaction of any other business*; and the most convenient mode of conducting it is by the appointment of a Committee to receive and report upon the credentials of the members."

As the Bishop is *ex-officio* the presiding officer, and no change is therefore made from a temporary to a permanent organization, the Canon provides that if a quorum is found present on a call of the Clergy and of the Parishes and Deputies, the President (*i. e.* the Bishop) shall declare the Convention *duly organized*.

Much stress has been laid upon the use of these words, "duly organized," as indicating that nothing further is necessary to perfect its organization so as to authorize it to proceed to business; but not only is it from the very nature of things necessary, as Mr. Cushing says, in all deliberative assemblies, the members of which are chosen to represent others, to ascertain before proceeding to business who are entitled to seats, but the Canons expressly provide that when the President has declared the Convention organized, two committees shall be appointed, one to examine the List of the Clergy, and another to examine that of the Laity (*Canon VIII*), and that if any question be made the right of any clergyman shall be determined by the Convention itself (*Canon I*), provided that no deputy whose seat may be contested shall have place on the Secretary's list (*Canon VIII*). Is it not the duty of the Convention, before it proceeds to business, to dispose of such questions relating to its organization? Suppose that on some question of interest the Convention should be nearly equally divided, and that with the exclusion of certain clergymen whose seats were contested, it would be carried in one way, or, with their presence, it would be carried in the other, would it be proper or competent to proceed to this business before acting upon the report of the Committee? Or would it be any more proper or competent to pass such a measure by the vote of a clergyman whose

seat was contested, without allowing the report of the Committee to be heard and acted upon?

If a doubt on this point could be entertained, the Canon again settles it. Canon VIII, after directing the appointment of these committees, to whom the respective lists shall be referred, provides in explicit terms, "*and these committees severally shall examine forthwith and report to the Convention upon the lists so referred.*" It surely will not be questioned that when a matter is once referred to a committee it can only be dealt with by the body referring it, by acting upon the report of the committee (Cushing's Legislative Assemblies, §1388), or by discharging the committee and resuming control of the subject. (Ibid, §1989). But the latter course, in this instance, cannot be adopted, because the reference to the committees are not by order of the Convention, but by Canon, which controls the Convention itself. The only course, therefore, is to act upon the report, and until the report is received and acted upon the Convention cannot proceed to business.

Observe, the committees are to examine *forthwith* and report. Does not this clearly indicate that the examination and report is to precede any other business?

But, it is urged, that it has not been the practice of the Convention for years past to do anything more than appoint the committees; that it has never waited for or taken action upon their reports. This is the old plea of *communis error facit jus*, an argument which Lord Kenyon tells us that another learned judge treated with indignation, and adds: "I perfectly well recollect that learned judge's saying that he hoped he should never hear that rule insisted upon *to set up a misconception of the law in destruction of the law*. I should have disdained," he continues, "to say anything on this position unless it had received the appearance of some countenance in the cases I have mentioned, and in the discussion of this case."

Let us then look into this practice and see how old it is, for the very first requisite of the validity of a practice or custom is its antiquity. If one can show the beginning of a

custom or practice, it must rest on its merits, not on its existence as a custom. If one can show when a custom commenced, those who would maintain it must show it was properly commenced. For this reason lawyers, since the time of Coke, have held that no custom can prevail against an express act of Parliament; and, for the same reason, churchmen must equally hold that no practice can prevail against an express provision of a Canon, or render such a provision nugatory.

Prior to the revision of the Canons in 1872-75, the only canonical provision in regard to the Convention was contained in a Canon then numbered III, and which in the revision was made Canon I.

The provision in the old Canon I that the List of the Clergy should be referred to a Committee of Three Clergymen is transferred to Section IV of Canon VIII in the revision, with only such changes of phraseology as are necessary to its application to the two Committees—one on the List of the Clergy and another on that of the Laity. In the old Canon the list was to be referred to a committee—

“Who shall forthwith consider and report who of the clergy on said list are entitled to all the privileges of the Convention, and who are entitled to seats only.”

In the revised Canon VIII it is provided—

“And these two committees shall examine forthwith and report upon the lists so referred,” &c.

Now let us see what the practice was under the old Canon. In the Journal of the Convention of 1867 we read, that after a brief interval, upon the conclusion of the services the Convention was called to order by the Bishop; and the Journal continues:

“The Roll of the Clergy was then called by the Secretary, and the following answered to their names, viz; ”

Here follows the list of those who answered :

"The Roll of the Parishes and Churches entitled to representation was then called, and the following answered, viz: "

Here follows the list of those who answered :

"The List of the Clergy was referred to a Committee, consisting of the Rev. Messrs. P. Trapier, J. H. Cornish and W. B. W. Howe, and the Certificates of the Lay Deputies to a Committee, consisting of Messrs. W. T. Wragg, F. P. Elford and J. J. P. Smith.

"These Committees reported severally as follows :

"The Committee on the List of the Clergy respectfully report : That the following Clergymen are entitled to all the privileges of members of the Convention, viz: (Here follow the names.)

"2d. The following are entitled to seats and a voice, but not to a vote, viz: (Here follow the names.)

"The Committee on Certificates of Lay Deputies report : That the following Deputies are entitled to seats in the Seventy-seventh Annual Convention of this Diocese, viz: (Here follow the names.)

"*These reports being received, the names of Deputies were called, and thirty-six found present, whose names are marked thus (†).*

"*A quorum of both Orders being present, the President declared the Convention duly organized.*"

This exact formula of minutes is found in the Journals of the Convention for the years, 1868, 1869, 1870, 1871, 1872, and 1873. It will be observed that, in each of these years, the Convention was not declared organized until the reports were received—and their reception without question was their confirmation (Cushing); nor was it declared organized until it was ascertained that a quorum of those so reported was present. The custom relied on, therefore, must have arisen since 1873.

In 1871, a Committee had been appointed to revise the Canons. This Committee reported: Canon 1, "Of the Clergy," as it now reads down to and including the sentence: "And such List shall be laid before the Convention immediately after it shall have been called to order on the first day of meeting, and the names called therefrom," and the Report added this provision:

"*And until otherwise ordered by the Convention, it shall be received as the Roll of the Convention.*"

It appears from the Journal of 1873, and its Appendix, VIII, B, that this Canon was adopted in this form at that Convention—doubtless incautiously, as will thus appear.

In 1874 the Roll of Clergy and List of Deputies having been called and the lists referred to the respective committees, before their report, the journal records:

“A quorum of both orders being present, the Convention was declared duly organized.”

* * * * *

Question was made whether the Convention could be organized, that is, whether the old ‘Rule of Order’ or the Canons adopted by the last Convention should direct the mode of procedure. After considerable discussion, Mr. John Philips offered the following resolution:

Resolved, That this body being duly organized, do proceed to business.

After further discussion, Mr. W. D. Porter offered the following substitute for the above, which was accepted by the mover, viz:

Resolved, That it is the sense of this Convention that the President declare the Convention organized.

The question being put, it was adopted, and the Convention declared duly organized.”

This action was taken, it will be observed, under the provision of the Canon as it then stood, which directed that until otherwise ordered by the Convention, the List of the Clergy presented by the Bishop or Standing Committee should be received as the roll of the Convention. But the Convention proceeded at once to rectify this mistake into which it had fallen. On the third day we read in the Journal (1874):

“Mr. McCrady offered the following resolution:

Resolved, That Canons I, II, III IV, of the new series be referred to the Committee on the Constitution and Canons to inquire and report whether there be any inconsistency between them and the Constitution, and if found to be inconsistent, that the said Canons be remodeled by them so as to be brought into consistency with the Constitution.

Which was adopted.”

In the journal of the next year (1875) we read, page 23:

“The Committee on the Constitution and Canons presented their report. (See Appendix IV.)

On motion of Mr. W. A. Pringle,

Resolved, That the Canons as reported by the Committee be taken up in a body and adopted as the Canons of the Diocese."

Turning to Appendix IV, page 61, we find the report of 1872 republished, with a note by the Secretary, as follows:

"In 1874 these Canons were referred back to the Committee, who presented to the Convention the following report:

"The Committee on the Constitution and Canons to whom Canons I, II, III and IV were referred by the last Convention (p. 26) to inquire and report whether there be any inconsistency between them and the Constitution, and if so, to remodel them

Respectfully report, that in discharging the duty assigned them they have taken occasion carefully to revise the entire report submitted by them to the Convention in 1872, (see Journal, page 128), and ask leave to propose sundry amendments as well as to the portion of that report which has been acted upon as that yet to be considered.

These amendments are embodied in the following resolutions:

N. B.—These resolutions proposing amendments to the Constitution having been all concurred in, and the whole body of the Canons adopted, instead of printing the report as handed in, the original report here follows as amended by them."

Then follow the Constitution and Canons, with this note by the Secretary:

"These Canons having been adopted by the Convention are now the Canons of this Diocese."

On examining Canon I, as then amended and adopted by the Convention, we find that the clause,

"And until otherwise ordered by the Convention it (the Clergy List) shall be received as the Roll of the Convention,"

was stricken out and the provision as it now stands in the Canon was adopted, to wit:

* * * "And it (the Clergy's List) shall be taken as presumptive evidence of the privilege of clergymen in the Convention. *Provided*, that if questions be made, the right of any clergyman shall be determined according to the provision of the Constitution itself, whether his name be inserted in the list aforesaid or not."

Here then was the most decisive, positive, and explicit action by Canon on the very point. The Convention has expressly refused to allow the Clergy List to be received as the Roll of the Convention; and by a unanimous vote—not merely the two-thirds required to change the Canon which had been incautiously adopted—ordained instead that the list should be *only presumptive evidence subject to question*, and if question made, such question to be determined by the Convention itself according to the provisions of the Constitution, to wit: by a vote by orders. Is there, can there be room for question after this of the right to question the List of the Clergy and to demand a vote by orders upon it?

CONVENTION OF 1886.

The next year, 1886, the Convention met at St. Luke's, Charleston, on the 12th May, and the List of the Clergy and Lay Delegates having been referred to the appropriate committees, as required by the Canon, the President stated that the Convention was duly organized, and that the first business in order was the election of a Secretary. Thereupon a lay delegate raised the point of order that the Convention was not organized for the transaction of business until the reports of the Committees on Credentials, clerical and lay, had been received and acted on.

The discussion on this point of order, involving the organization of the Convention went on all of the first day, and during its continuance on the second day, the Committee on Credentials having reported on the List of the Clergy, a motion was made that the reports be confirmed, there being no objectionable name upon it, as there was no colored clergyman in the Diocese that year. The President ruled the motion out of order, and upon an appeal from the ruling, the debate on the question as to the due organization of the Convention was renewed and carried on to the third day. Upon its close, the President—*i. e.*, the Bishop presiding—thus fairly stated the question before the Convention. He said:

"The house was confined entirely to the question of the adoption or rejection of the report of the committee on the clerical list. On that committee's report a motion was made to adopt it. The Chair ruled such adoption out of order, thereupon an appeal was taken. The appeal has been discussed, and the question is about to be put. The real question, however, is not shall the appeal be sustained, *but shall the decision of the Chair stand as the decision of the Convention?*"

A vote on this appeal was taken by orders and resulted as follows: Clergy—yeas, 25; nays, 4; Parishes—yeas, 5; nays, 25; divided, 1.

The president recognized the legal effect of the vote against his decision as binding upon the chair, and proceeded to put the question upon the adoption of the report of the Committee on the Clergy List, though announcing that he himself would vote against its adoption by way of protest. The report was not confirmed.

The Convention was, however, finally organized by the almost unanimous adoption of a resolution avowedly framed so as to commit neither party to the struggle, which had already lost three out of the four days of the Convention. It was as follows:

"*Resolved*, That the clergymen whose names were referred to the Committee on the Clergy List be declared entitled to all the privileges of the Convention according to the classification of the Committee."

QUESTION AS TO THE INHERENT RIGHT OF CLERGYMEN TO SEATS IN THE CONVENTION.

The question which had thus divided the two Conventions (of 1885 and 1886) immediately preceding the last, although doubtless suggested and made of immediate importance by the further question as to the right of any other but white clergymen to seats in our Convention, is altogether independent of it, and would have been insisted upon by us just as earnestly had it been raised on any other occasion. It is, as we say, not a new question, nor is it confined to our Diocese. Were the question of the status of colored clergymen eliminated from the discussion to-morrow, laymen

cannot afford to give up that as to the organization of the Convention itself. It is simply the question of the right of laymen to judge and determine for themselves as to the fact whether or not the persons named upon the Clergy List are qualified under the Constitution to seats in the Convention, just as they admit the right of the clergy to pass upon that of the lay delegates.

This subject has agitated other Dioceses, among them, New Jersey, Massachusetts and Connecticut.

The High Church party in Connecticut, under the lead of Dr., afterwards Bishop Jarvis, claimed as our clergymen do now, that the List of the Clergy presented to a Convention was *ipso facto* conclusive, under the same idea, if not so broadly expressed, as declared by one of our clergymen in Columbia in 1885, to wit: that "he stood on the floor of the Convention as a priest of God;" or, as expressed by another at the late Convention, that "the very fact that Mr. Pollard's name is on the Bishop's roll of clergymen constitutes him a member of this Convention" Dr. Jarvis made an elaborate report in favor of this view. But the churchmen of Connecticut would have none of it, and though the proposed amendment to the Constitution was adopted that year, it was immediately repealed the next.

Our clergymen generally assume that to be so in our case in the very nature of things which Dr. Jarvis, high churchman as he was, only sought to ingraft by amendment on the Constitution of Connecticut.

The late Judge Hoffman, of New York, who was a staunch supporter of Episcopal prerogative; in his work on Canon law in the American Church, devotes some space to this discussion and thus states his views:

* * * "When a Bishop becomes a party to a compact by which a Convention shall be found to be composed of clergymen, and in which the qualifications of those to be admitted as members are stated, that assent involves an assent that the Convention shall judge of the possession of those qualifications. There must be a positive enactment to avoid the consequence. The provisions in the two Dioceses named (Connecticut and New Jersey) do not amount to such an enactment. The case is very distinguishable from that elsewhere discussed as to the

right of a Bishop as presiding officer upon questions of order. The Bishops never relinquished the right of presidency. The Constitutions always recognize, do not confer, that right and that right, it is considered, involves the right of determination where there is no different regulation. *But here the Bishop agrees to the establishment and composition of a body to which, presumptively, the privilege attaches of deciding upon its member's qualifications. There should be an express denial of the power, or an express bestowal of it elsewhere to avoid the conclusion."*

Some ten years ago the same question was revived in Massachusetts by an attempt to amend the Constitution so as to provide that the right of voting in Convention should not be restricted to such clergy as were actually and canonically employed in certain settled duties, and to allow all clergy employed or unemployed to vote by virtue of their orders. This was advocated by Dr. Vinton, Dr. Burgess and others, and was opposed by the Rev. Dr. Huntington, Mr. Causten Brown and Mr. Richard H. Dana, Jr. Dr. Vinton urged the claim which is now set up in this Diocese that a seat and vote in the Convention was a right inherent in the office of the clergyman; that they sat and should vote as representatives of their *order* while the lay deputies sat to represent their parishes. It was responded that there was no such right to sit and vote in a Church Synod inherent in the clerical character as such; that it had not been enjoyed in other ages and was not now theirs in other portions of the Church; that it was a *privilege bestowed* on them by statute enactment as a correlative of certain services which they were rendering to the Church. Dr. Vinton's proposed amendment to the Constitution was defeated by a fair majority, even of the clergy.

The laymen in Massachusetts were right in asserting that there was no such right to sit and vote in any Convention inherent in the clerical character, but that when enjoyed it was a *privilege bestowed* by some positive enactment. No such right is enjoyed by the clergy of the Church of England (our Mother Church) in the convocations of Canterbury and York. The clergymen who sit in those convocations are elected as proctors or representatives by such clergymen only as themselves possess certain *property quali-*

fications in their offices. Their qualification is one of property rather than of orders. See *Burns Ecclesiastical Law; Blackstone, Jacobi's Law Dictionary; Encyclopedia Britannica, 9th Edition, Title Convocation*. We venture to assert that no instance in the history of the Church can be found in which clergymen have had seats in any *legislative* synod or council of the Church by virtue simply of their orders.

So you see, Brethren of the Laity, your delegates who withdrew set forth no new or strange doctrine when they maintain the right of the Laity to pass upon the qualifications of the clergy whose names are laid before the Convention by the Bishop, or by the Standing Committee in his absence. Observe we say, "or by the Standing Committee in his absence." For you will recollect that this list, to which a character approaching almost to sanctity is claimed, may after all be made up not by the Bishop at all, but by the Standing Committee in his absence—a body which can set up no claim to apostolic authority. Indeed this list is always made up by the Standing Committee on the most important occasion on which a Convention can meet—the occasion for the election of a Bishop.

CONVENTION OF 1887.

The Convention which met in St. Philip's Church on the 12th May last, had before it the now inevitable question which had agitated the two previous, to wit: that of its organization; but unlike that of 1886, it had the question not as a matter of principle only, but with it was involved the underlying question of the admission of colored clergymen into our councils.

Upon assembling, the Secretary of the last Convention having called the rolls and ascertained that ten clergymen were present and ten parishes represented, the President, using the formula prescribed by the Canon, announced that the Convention was duly organized, and appointed the Committees on the Credentials of the Clergy and Lay Deputies.

The Bishop then announced that while these committees

were out he would read his Annual Address, and proceeded to do so. Upon its conclusion, the Committee on the Credentials of the Clergy submitted their report approving the list as presented by the Bishop, including the name of a colored clergyman in the list of those entitled to seats, but not to votes.

Upon this a Lay Delegate moved to confirm the report, and another to amend it by striking out the name of the colored clergyman. The motion to strike out the name of the colored clergyman resulted as follows: Clergy, yeas, 3; nays, 28; Lay Parishes, yeas, 22; nays, 6; so the motion was lost by non-concurrence of orders.

It was then moved by one of us to divide the question so as to confirm the clergymen reported as entitled to seats and votes about whom there was no question. This would at once have organized the Convention for business, leaving for the present the name of the colored clergyman upon the list of those entitled to seats, but not to votes, subject to such action as might be taken thereafter. This motion to divide the question resulted as follows: Clerical, yeas, 5; nays, 21; Lay, yeas, 19; nays, 9; divided, 3; and was consequently lost.

So, you see, we the laymen were willing, and proposed to separate and remove the question of the admission of the colored clergymen from that of the organization of the body, leaving the former to the action of the Convention after its organization; *but that the clergy would not allow us to do so, insisting on making their admission a condition of the organization of the Convention itself.*

The question then recurred on the original motion to confirm the report of the Committee on the Clergy List, as presented by the Bishop. This resulted—clerical, yeas, 22; nays, 3. Laymen, yeas, 6; nays, 18; divided, 6. So the motion to confirm the report was lost.

The Chair then announced that, notwithstanding the vote refusing to confirm the list of the clergy, as reported, "*that the Convention is duly organized, and ready for any business that may come before it.*"

Thereupon a motion was made by a clerical member in reference to the Bishop's Address. Upon this a point of order was made, that, as the Convention was not as yet organized for business, the motion in reference to the Bishop's Address could not be entertained.

The Chair overruled the point of order, holding that the Convention was fully organized for business. From this ruling an appeal was taken. The Chair announcing that he would receive no further appeals after this, but would go on with the regular business, then put the appeal in these words: "*Shall the decision of the Chair stand as the sense of the House?*"

This question was taken by orders, and the House refused, by a divided vote, to sustain the decision of the Chair. The vote was as follows: Clergy—yeas, 22; nays, 3. Parishes—yeas, 9; nays, 13; divided, 2.

The Bishop then announced that "*there being a non-concurrence, the decision of the Chair had not been sustained,*" but immediately turned to the Secretary and instructed him to proceed to read the Rules of Order, this being the first business, as he said, under the order of business.

Now we ask, in all soberness and earnestness, why did the Bishop go through the meaningless form of putting the question to the House, "whether his decision should stand," if he had not intended to be bound by the result? If he was bound by the action of the Convention in 1886, upon an appeal from his decision, was he not likewise bound in 1887?

An appeal was attempted to be taken from this ruling, but as the Bishop had announced he would do, he refused to put the appeal to the House.

Upon this the Lay Delegates from St. Paul's Parish, Radcliffeboro', sent up to the Chair the following paper:

"The Lay Delegates of St. Paul's Parish, Radcliffeboro', finding it impracticable to organize the Convention according to the Constitution and the Canons of the Church, deem it wise to withdraw, and hereby notify their colleagues of their intention."

The Delegates from St. Paul's were followed by Delegates from twenty other parishes.

The next day the Deputies who had retired from the Convention met in consultation, and this committee was appointed to prepare this statement. While they were in such consultation a committee, waited upon them and presented the following resolution, which the Committee informed them had been unanimously adopted :

"Resolved, This Convention profoundly regrets the action of the Delegates from certain parishes in withdrawing from the Convention on yesterday evening, and affectionately and most earnestly requests their brethren to reconsider their action and resume their seats in the Convention.

"Resolved, That this resolution be presented to our absent brethren by a committee appointed by the Chair."

Upon the presentation of this resolution it was asked of the committee what had been attempted to be done in our absence; and upon learning from them that those remaining in the Convention had undertaken to transact business, to amend the Constitution and to elect a Standing Committee, turning out from that Committee all members who had acted with your Deputies, the following resolution was unanimously adopted by us :

"Resolved, That we accede to the request submitted to us by the committee, provided that when we return and resume our seats in the Convention, the President of the Convention shall entertain the appeal taken by Mr. McCrady yesterday, and shall forthwith put the same to the Convention."

This condition was refused.

Upon a careful consideration of the foregoing statement we think our brethren of the Laity will agree with us that there was indeed no other course left open to us but to withdraw.

The Bishop had ruled—notwithstanding that the Convention had refused to confirm the report of the Committee on the Clergy List—that *the Convention was duly organized for business*. An appeal had been taken, and upon this appeal, which he himself correctly put in these words:

"*Shall the decision of the Chair stand as the sense of the house?*" a vote of the house had been taken, the result of which he himself announced in these words: "*There being a non-concurrence, the decision of the Chair has not been sustained.*" Here, then, we had his own announcement, put in the formula which at the Convention held last year he had declared that he had adopted upon the advice of parliamentarians, whom he had consulted, that the decision had not been sustained by the body to which he had put it. And yet, with this express and announced refusal of the Convention to sustain his ruling, the Bishop nevertheless assumed to decide against the action of the Convention itself, *and by his own authority* to determine that the Convention was fully organized for business!

For the Church's sake it was the greater pity, too, that the Bishop should thus have assumed to decide the question as to the organization of the Convention by his mere will, for at that time, when he refused to hear any other appeal in regard to it, the delegate who made the appeal had in his hand a proposition looking to peace, which had been agreed upon by parties on both sides, clergymen and laymen, as a fair basis of settlement, at least for the time.

What were we to do?

But one of four alternative courses was possible:

1. To submit. To abandon all right of the Laity to an opinion upon the organization of the Convention, and to recognize the action of those sustaining the Bishop, whatever it might be, on any question, notwithstanding that upon a vote the Convention itself had in effect declared that it was not organized.

2. To protest against the action of the Bishop, and remain.

3. To remain and, by means of parliamentary expedients, to obstruct the business—forcing a divided vote on every question—or

4. To withdraw with dignity and refuse to recognize any further action of those who remained under the Bishop's ruling.

We do not suppose that our brethren of the Laity would have had us to take the first course and thus to abandon, not only our own, but their rights as well. We had tried the second two years ago, and it had produced no results. The third would have given rise to unseemly conduct and struggle, and would have, in some measure at least, justified the use of the expression "filibustering," with which our opponents had already endeavored to prejudice the parliamentary struggle we had made. We saw no course consistent with our own dignity and your rights but to withdraw, and refuse to recognize any action that those who remained might take.

As we have said before, had the question as to the right of colored persons in our Convention been entirely eliminated, we could not have given up the assertion of the right of the Laity to pass upon the qualifications of the Clergymen on the Lists laid before the Convention by the Bishop, or Standing Committee—any more than the Churchmen in Massachusetts, Connecticut and New Jersey, and other Dioceses, who have had likewise to insist upon it, though there was no such underlying question of present moment as with us. But with us there was the "burning" or "festering" question, as it has been at different times designated, behind, forcing itself upon us, and demanding that we should give up no barrier against the intrusion of the colored race into our councils. From the stand taken by the Bishop, supported by a large majority of the Clergymen, if we gave up this question as to the proper organization of the Convention, we had no longer any means of resisting the seating colored Clergy in our Conventions, though we believe such action unconstitutional, and in itself dangerous in the extreme to the Church.

COLORED CLERGYMEN NOT CONTEMPLATED IN OUR CONSTITUTION.

We say that we believe the seating of colored clergymen to be unconstitutional. The Constitution, as we have seen, provides, Article III, Section 1, "*The Convention shall be composed of clergymen and laymen.*"

What clergymen and what laymen are here meant?

To answer this we must ascertain who the framers of the Constitution intended to designate, and this is but resorting to the old and familiar legal rule, which is thus expressed by Mr. Justice Story. He says "that the first and fundamental rule in relation to the interpretation of all instruments applies to constitutions, that is, to construe them according to the sense of the terms and the intentions of the parties." And as held in the great "woman's right's case" (*Minor vs. Happersett, 21 Wallace, 162,*) by the Supreme Court of the United States, Chief Justice Waite delivering the opinion of the Court, we must ascertain what the terms meant *at the time when they were used, and the sense in which they were then used*, and must adopt that meaning, and not a meaning which the words may have subsequently received. So in deciding who were the "*citizens*" of the United States whose privileges or immunities in question were not to be abridged, the Court went back to ascertain whom the framers of the Constitution of the United States had in view at the time they used the term, and deciding that the term "citizen" as used and understood when the Constitution was adopted did not at that time, and in the sense in which it was then used, include females, they held it could not be now enlarged to include them.

A familiar illustration of the justness of this rule is to be found in our Common Prayer, where, in the collect for the 17th Sunday after Trinity, we pray "that Thy grace may always *prevent* and follow us." Do we mean when we use this prayer to ask the Lord in the present acceptance of the word "prevent" that He would "hinder," "obstruct," "impede" or "thwart" us? or do we not mean Him to understand us as using the word in the old sense, "to go before us as a benefactor, to anticipate our wants and desires?"

So, in construing our Church Constitution, we must go back and put ourselves in the place of those who wrote and adopted it, and ask what did they then mean?

And can any one doubt whom they then meant by the term

clergymen? Will any one maintain that it ever entered into the minds of the framers of our Constitution that these terms applied to any but those of the white race?

At the time of the adoption of these words in the Constitution of the Diocese, slavery existed in the State, and, indeed, the colored race was subject to slavery in every State in the Union except Vermont, and perhaps, as it is claimed, Massachusetts. The framers of the Constitution could not, therefore, have contemplated that these terms applied to the colored race. But it was not only because of their slavery that colored persons were not contemplated by the framers of our Diocesan Constitutions as coming under the general terms used in these instruments. It was because the framers of these Constitutions regarded themselves as providing for the government of a homogeneous Church—a race Church—a Church of white people—Anglo-Saxon—the same people as those of the Church of England.

We say this without fear of refutation, for this is the first attempt in the history of the Church to make a Church other than a National Church—that is the Church of a race. Since the time when Paul and Barnabas parted asunder at Antioch, on a race question, we find the Church everywhere a race Church. The three great divisions of the Church to-day are the Latin, the Greek and the Anglo-Saxon.

We have a singular illustration of this in the Church in New York. An Act for the gradual emancipation of slaves was passed by the State of New York in 1799, by the operation of which the census of 1840 showed that all but four negroes had been freed. In March, 1819, that is, twenty years after the passage of the act, Bishop Hobart applied to the Standing Committee of that Diocese for advice in relation to the admission of a colored person as a candidate for holy orders, upon which the Committee unanimously advised his admission upon the distinct understanding that in the event of his being admitted to orders, he should not “be entitled to a seat in the Convention, nor should the congregation of which he may have charge be represented therein.” It is manifest from this that neither Bishop Ho-

bart nor his Standing Committee imagined that the fact of emancipation had given the colored race a constitutional right to a seat in the Convention.

But the expediency of admitting a colored congregation to representation was again discussed in 1846, when it may be presumed that the last four slaves had been emancipated by death if not otherwise, and that the consideration of slavery was absolutely at an end. In this year, 1846, the subject of the admission of St. Philip's and other colored congregations into representation in the Convention of the Diocese of New York was referred to a committee, consisting of William H. Harrison, Reubin Sherwood and J. C. Spencer, who made an elaborate report, a copy of which is here added as an appendix ; recommending that neither St. Philip's nor any other colored congregation be admitted into union with the Convention. This report was received, and its recommendation was adopted.

The question was again renewed in 1850, when the Convention in New York again refused, in spite of Mr. John Jay's efforts in their behalf, to admit colored delegates. Here then we have a practical construction cotemporaneous with emancipation in New York, and subsequently adhered to. Such construction is always regarded the highest authority by both constitutional lawyers and canonists.

Bishop Hobart and the Convention in New York were not alone in this regard. Bishop White, of Pennsylvania, took exactly the same course, and admitted a colored person, Absalom Jones, to Holy Orders on the distinct understanding that neither he nor the Parish of St. Thomas, of which he was to be the Rector, should claim seats in the Convention ; and the same provision was incorporated in the charter of the Church.

If the admission of colored members, clerical or lay, is regarded as mere matter of expediency, then of course these instances have only the weight of example. But if it is regarded as a matter of principle and right they have much greater force. For if a seat in the Convention is a matter of inherent right, it must have been as with matters of faith

semper eadem. But here we have the venerable Bishop White and Bishop Hobart, and the able, learned and Christian churchmen of New York and Pennsylvania denying *right* in this matter.

CONSTITUTION AMENDED BUT NOT ADOPTED IN 1876.

Our opponents would at first pay no attention to this argument, but contented themselves with simply answering dogmatically that the term "clergymen" included all clergymen, whether white or colored. But finding that it cannot be thus summarily disposed of, they now make the point that the Constitution was adopted, or re-adopted, in 1876, and that as there were colored clergymen at that time, that such are now included in the term. In this they are mistaken. The Constitution was not adopted, nor re-adopted, in 1876—it was simply amended at that time.

In 1871 the Committee on the Constitution and Canons were instructed to examine and revise the Canons, Rules of Order and Standing Resolutions. See Journal, p —.

On the 11th May, 1872, the committee presented their report, which was adopted. Whereupon the Rev. J. D. McCollough, from the same committee, offered the following resolution:

"Resolved, That the Constitution of the Church in this Diocese be amended in the following particulars. (See Journal 1872, p. 20-21.)"

Then followed the proposed and specified amendments, mostly verbal, and none bearing upon the questions involved in this controversy, none in anywise defining or alluding to the term "clergymen."

The Journal then goes on to record (p. 22):

"These resolutions were severally considered and were adopted, except the third," &c.

The assertion, therefore, now so confidently made, that the present Constitution was adopted in 1876, we have shown to be historically untrue. It was then simply amended in certain specified particulars.

ERASTIANISM.

We have been astonished to hear it urged that the change in the institutions of the country, whereby these people have been allowed to participate in the civil government, was binding upon the Church. We did not think that such Erastianism was held in this country. We thought here, at least, that Church and State were by both the civil and ecclesiastical constitutions forever divorced. But if such a doctrine is, nevertheless, maintained, we would beg such persons as think that the action of the civil government binds the Church, to remember that it was never conceived, that emancipation itself gave the negroes the right to take part in the civil government. Nor were such rights conferred by the new amendments to the Constitution of the United States. The party in power, through the Reconstruction measures, compelled the States, by the power of the sword, themselves to enact the provisions conferring such rights upon the negroes. It was not left to implication from the Fourteenth and Fifteenth Amendments. Civil rights, rightfully or wrongfully, voluntarily or under compulsion, were given and conferred by each State by its own individual enactment. So if the Bishop and Clergy desire to have similar rights conferred in our Church government, *it must be done by some positive act of the Church itself*. Will they resort to outside pressure to accomplish this, as was done in civil affairs? If they cannot use the sword of State, as Erastus would have had them do, will they seek to bring down upon us the anathemas of the Northern Church, because having experienced the great evil brought upon the State by forcing these people into the civil government of the country, we hesitate to bring like trouble into the councils of the Church?

It is thus apparent that the attempt is being made to change the ancient and established order of the Church, not directly by means of any positive and affirmative action of the Church itself, but indirectly by a mere implication from changes which have taken place outside of the Church.

INTRODUCTION OF COLORED ELEMENT NOT ONLY UNCONSTITUTIONAL BUT DANGEROUS.

As we have said, we believe the seating of colored clergymen in our Conventions is not only unconstitutional but in itself dangerous in the extreme.

And surely in so believing, we have but to refer to the Clergy themselves and to cite their own views and to use their own expressions. We have but to recall Mr. Prentiss' resolution in 1875, asserting that the Convention possesses and will exercise the right of excluding from their body delegates of this class, because they may interrupt the peace of the Church and impede the glory of God. We have but to recall the resolutions of the Standing Committee, including Dr. Pinckney, Dr. Porter and Mr. Johnson, that the difficulty before us is, that we have to legislate for "two races brought together in this Diocese to occupy the same territory differing in all those essential characteristics which constitute different peoples, and most especially in Christian knowledge and culture;" "that it would reverse the order of missionary operations and even of nature itself and would tend to the advantage of neither race, that the race having the lesser Christian knowledge and culture should be advanced to the position of teachers, and rulers of the other race;" "that it is not expedient to invest individuals of the less advanced race with official authority over the other race." We have but to cite the language of the report of the Committee of the Sewanee Conference, signed by Bishops Green, of Mississippi; Gregg, of Texas; Robertson, of Missouri; Lyman, of North Carolina; and Dudley, of Kentucky; and Thompson, assistant Bishop of Mississippi; and others clergymen and laymen, "that because of the peculiarity of

the relations of the two races one to the other in our country, because of their history in the past and the hopes of the future, there is need of special legislation appointing special agency and methods for the ingathering of these wandering sheep into the fold of Christ." We have but to refer to their memorial to the General Convention in view of these peculiar relations of the two races to organize the colored people into separate missionary organizations.

That our views upon this subject are neither new, singular nor strange, will be seen by referring to the report to the New York Convention which we have added as an appendix to this paper. Say Messrs. Harrison, Sherwood and Spencer.

"When society is unfortunately divided into classes. When some are intelligent, refined and elevated in tone and character, and others are ignorant, coarse and debased however unjustly, and when such prejudice exists between them as to prevent social intercourse on equal terms, it would seem inexpedient to encounter such prejudices unnecessarily, and to endeavor to compel the one class to associate on equal terms in the consultations on the affairs of the Diocese with those whom they would not admit to their tables, or into their family circles. Nay, whom they would not admit into their pews during public worship."

At the late General Assembly of the Southern Presbyterian Church, in which this very question was discussed, as the only remaining barrier to the re-union of the Northern and Southern branches of that Church, the Rev. Dr. B. M. Palmer thus stated the difficulty :

"You can't put men side by side as equal presbyters of a court in any number, and side by side in the pulpit, and preaching side by side the same Gospel, without involving social relations. As long as only two or three are there, it makes no difference; but as the thing enlarges its proportions, *ecclesiastical and spiritual relations in office, draw after them social relations and social equality.*"

But we have been assured again and again that these fears, as expressed by Dr. Palmer, that ecclesiastical and spiritual relations will draw after them social relations and social equality, are groundless; that there is no danger whatever to any of the social barriers between the races if

we take these people into our councils and churches as our equals; that they would but sit and vote and not presume upon their professional position to advance their social relations; and we have been pointed to our sister Dioceses of Virginia and North Carolina as exemplifying the assertion. Singularly, it happened that at the very time while these pledges were being made on the example of the Diocese of North Carolina, the colored clergymen in the Convention of that Diocese had repudiated any such pledge for them, and considering themselves included in a general invitation issued by the Bishop to the members of his Convention, had assumed as of right to enter the household and to partake with their white co-members of the Convention of the Bishop's hospitality. Was there no danger in this? Are you, Brethren of the Laity, willing to run the risk of it in this Diocese?

The Rev. Mr. Joyner, who has been one of the most earnest advocates for the admission of colored clergymen into our Convention, hastens, it is true, upon the telegraphic announcement of the occurrence, emphatically and warmly to deny that Bishop Lyman received colored members of the Convention at his private residence "on a footing of perfect social equality." But about this the Rev. Calbraith B. Perry takes issue with Mr. Joyner, and is sure that the Bishop did not consider the appearance of these colored clergymen as an unexpected intrusion, and stoutly maintains that those who know Bishop Lyman "will find it hard to believe, unless on his own assurance, that he would fail to welcome guests whom he invited, for inviting 'the members of the Convention' he necessarily included them." Between the two, Bishop Lyman is silent. Indeed, what can he say? For surely if these people are proper and fit to be members of the Convention, they are fit to be our social guests.

This is not only the logical, but the actual and practical result not only in North Carolina, but elsewhere. Read this from a Church paper published in the South. "The Trinity Church Bell," published in Hannibal, Missouri, commenting on the trouble in our Diocesan Convention, says:

“The difficulties of race and color which have now for several years past so terribly affrighted the ‘Diocese of Charleston,’ have given no alarm or trouble to this portion of the vineyard, and yet Missouri has three colored clergymen to South Carolina’s one. Year by year we have seen these clerical gentlemen, along with their delegates, present at the Bishop’s reception, moving amongst the most cultured and refined people of St. Louis, and receiving the utmost respect from all. Whether their wives were present we do not recall, but they were included and expected in the general invitation. We have yet to hear the slightest protest from the most fastidious.

Admit colored clergymen in this Diocese, and will our Bishop in their turn appoint them to deliver the annual sermons at the opening of the Convention, and call upon them to take part in the daily opening service? And if he will not, what right, we ask, has he so to discriminate against them? If they are proper and suitable persons to take part in our legislation because they are clergymen, why are they not, by the same right, competent to preach to us from our pulpits and to pray for us from our chancels. But if the Bishop has the right to discriminate against these clergymen because of their color when it comes to preaching and praying, have we of the laity not the same—nay, a greater right to discriminate against their legislating for us?

To those who agree with the Rev. Mr. Calbraith Perry and The Trinity Church Bell we have nothing to say. To all of *our* clergy, who we believe would, with the Rev. Mr. Joyner, shrink from such results, we appeal to pause before they render them inevitable.

“CONTRA MUNDUM.”

We are told that we are against the world in this matter. Against whom? and against what? We are against what, we believe, is, in its best, a mere sentimentality—and in its worst, and we fear, more general form, a fanatical desire of those so circumstanced as not, in any way, to be personally affected by its consequences, to have negro social equality forced upon us. But the opinion of these dreamers or fanatics, in nowise themselves personally concerned in the result, should not and cannot affect us. To show us that we are

contra mundum—against all the world—show us that other people, situated as we are, differ with us on this subject ; and we shall give their example all the weight and authority due it. But do not cite the opinion of Exeter Hall, whose people are in no danger of being overrun by the negroes, whose rights to equality they acknowledge in the few sporadic cases which once or twice in a lifetime happen to them. Do not cite to us the opinion of Faneuil Hall, from whence the crusade on this subject commenced. Show us that the English people in India, in Church and State, recognize no barrier between the races. Show us that the people of the North allow negroes in their hotels and places of amusement and recreation. Show us that they submit to social equality in any instance in which it is likely to encroach upon them, and we may consider the example.

We are not against the world—the world which is circumstanced as we are—that world is not a large one.

It is the world of the Southern States which are circumstanced as no other people are, or ever have been before ; and in this world we are not singular. In no Church or denomination of Christians in the South has this effort been made to force social equality upon its people but in the Conventions of the Episcopal Church.

It is you, Brethren of the Clergy, who are attempting a thing *contra mundum*—that is, against the world in which you live. And in doing so, you are inflicting incalculable injury upon your influence in that state of life unto which it has pleased God to call you. Will a few honied speeches from those who have no personal interest in the matter, who live and move and have their being under different circumstances, compensate you for the loss of your personal influence among your own people—your own kith and kin ?

Be careful, let us pray you, that your own opinion is not unconsciously influenced by the sword of the conqueror, and the subtle influences of wealth and power.

And after all, was not the same thing said of Athanasius ? In the language of Hooker, "*the whole world against Athanasius, and Athanasius against it.*" And about what was the

whole world then against Athanasius, but about that which is now a mere matter of simple fundamental faith? Noah was *contra mundum* but the deluge came notwithstanding. Galileo was *contra mundum* but the earth revolved notwithstanding. Let us beware lest if like Galileo we recant—unlike him we may not be able to abjure our recantation.

Let us not concern ourselves so much whether the whole world is against us or not as to whether we are right.

OUR DUTY TO THE COLORED PEOPLE.

We fully recognize that the Church in the Southern States has a great duty and responsibility in regard to the colored people. We join heartily in the report of the Sewanee Conference on this subject; but we do not believe that this duty necessitates or renders advisable our taking these people into our Church councils.

We believe it to be our duty to send and carry the Gospel to the colored people; to urge upon them the Church—our Church—and to bring into it as many of them as we can. But, as our Bishop says, “the Convention is not the Church.”

It is urged that we cannot expect these people to receive the blessings of the Gospel unless we extend to them with the ministrations of the Church the right to take part in its government. But if this be so, the same rule should also apply to all our missions, and our missionaries in Asia and Africa should be commissioned to offer to each of their converts, upon conversion, the elective franchise and right of representation in our Conventions or councils. If the right to take part in our Conventions and councils depends upon the fact of conversion and connection with the Church by baptism, then it must follow that the converted and baptized savage or barbarian is *eo instanti* so entitled, without regard to his education or civilization. If, on the other hand, education and civilization are to be considered, then the question ceases to be one of Christian right, and lowers itself to one of expediency. Our missionaries are not sent to

make rulers, but Christians. The blessings of the Gospel and the right to rule and govern in the Church are not the same thing.

But we are told we need not concern ourselves; that there is no danger of our being overrun by these people; that so few will ever come to us that we need not fear them. This argument seems to mock at the very idea of any earnest missionary work among them. It is worse—it implies a want of sincerity, at least, in our efforts to make Christians of them. It assumes that our missionary work among them will be all a pretence and a sham; that we will preach to them without the hope or desire of converting them.

We believe it to be our duty to carry the Gospel to these people, and that we must do so in no half-hearted manner, hoping all the while they will not listen to the Word, lest they be converted and become as one of us; and we should, therefore, have to admit them to a share in the government of the Church. This we believe is to-day a great drawback to missions among these people. Clergymen tell us that when converted the negroes have the right to come in and take part in our Church government, and that they must be admitted to our Conventions, and then appeal to us for means to convert them, and our people naturally hesitate to build up negro churches to overwhelm themselves.

We fully recognize our duty—our bounden duty—to preach the Gospel to these people, but we feel and recognize no call upon us to take them into our councils.

We have seen it stated that Bishop Davis was the author of the move for the admission of St. Mark's into the Convention. There is no authority for this statement; and we are satisfied that it is a misapprehension. Indeed we have evidence in our possession going to show that while Bishop Davis was anxious to afford the colored people all the ministrations of the Church, he never contemplated their admission into the Convention.

SUMMARY OF CAUSES WHICH LED TO WITHDRAWAL.

We have thus, brethren of the laity, laid before you the causes which led to our withdrawal from the late Convention. We were no seceders from the *Church*. We left the *Convention* (1) because the Bishop, as the presiding officer, after having put to the body the question of confirming the report upon the list of clerical members, and announcing that the report was not confirmed by the vote taken, assumed to decide that, the Convention was nevertheless organized for business; and (2) because, upon an appeal from this ruling, he having put the question, "*Shall the decision of the chair stand as the judgment of this house?*" and upon the vote having been taken, he having thereupon announced that the decision of the chair was *not* sustained, nevertheless ruled that the Convention *was* organized for business; and (3) because from this ruling he would allow no appeal.

It was useless, and would have been undignified and unworthy on our part as your representatives had we remained in a body whose presiding officer would neither be governed by the decision of the body, nor allow us to appeal from his decision to the body itself.

We left the Convention because the only barrier we had to the unconstitutional intrusion of the colored element into our councils was thus thrown down by an arbitrary assertion of power by the presiding officer.

We could not give up your rights as churchmen and as our constituents through us, your deputies, to examine and pass upon the List of the Clergy. We could not give up your right through us to appeal to the body of the Convention itself from the ruling of the presiding officer, however exalted his position may be. We could not allow the Constitution of this ancient Church to be thus subverted, and an innovation made upon her established order by means illegal and unparliamentary..

We could not stay where the gavel of the presiding officer was deemed a sufficient answer to our assertion of your rights.

THERE WAS NO LEGAL CONVENTION IN 1837.

In withdrawing we left the Convention disorganized, and it so continued until its close.

Twenty Laymen remained in the Convention, representing, as it is claimed, thirteen Parishes. (*See Journal, p. 24.*)

But let us examine this claim. Two of these Parishes, St. Luke's, Charleston, and Christ Church, have approved our withdrawal, and so repudiated the action of their delegates who remained. So the number is reduced to eleven. Of these eleven, Mr. Desportes, one of the Deputies from Trinity, Columbia, stated, in withdrawing, that he represented, in so doing, from seven to nine-tenths of the members of his Parish, and this was not denied by the two who remained, and so may be accepted as true. This would reduce the Parishes represented by those who remained to but ten—a bare quorum, if they were constitutionally represented. The Journal of the next day claims that fifteen Parishes were present, but does not mention which.

But let us inquire (1), were these Parishes truly and constitutionally represented by those who remained; and (2), if these Parishes had been so truly and constitutionally represented, what was their strength in the Diocese, as to numbers, and contributions to the support of the Church?

1. *Were these Parishes truly and constitutionally represented by those who remained?*

It will be observed that *not one full united delegation* from any Parish remained. Three of the Deputies of the Church of the Holy Communion remained—one withdrew. Of the three from Trinity, Columbia, who were present, two remained, and one withdrew. The Churches of St. John's Fairfield; Advent Spartanburg; Grace Church Anderson; had each two Deputies, who remained. The rest of the Parishes who went to make up the supposed quorum were represented each by a *single* Deputy. Did these make a constitutional quorum?

The Third Article of the Constitution provides :

Section IV. Lay Deputies, not exceeding four in number, shall be elected by each Parish or congregation in union with this Convention, from among the members thereof, to represent it in the Convention.

By this provision, each Parish or congregation is to be represented by such number of Lay Deputies, not exceeding four, as it may elect. It is conceded that one or more of these may represent the Parish, and make up a quorum for any business which does not require a vote by orders.

But the Seventh Article of the Constitution further provides:

§ 1. "On all questions, unless otherwise provided by the Constitution, the members shall deliberate and vote as one body; but at any time before the result of the vote as taken is finally announced by the President, any two Clergymen or the Deputies from any two Churches may call for a separate vote of each order where the clergy shall vote individually, and the Lay Deputies by Churches, (*a majority from each Church having one vote*), and a majority in both orders shall, in each case, be necessary to a decision. *And whenever a vote is taken by ballot the balloting shall be by orders.*"

Now a majority is defined to be (Worcester):

"The greater number—the part of any number which is greater than the other part, or than the sum of all the other parts, more than half."

Is one a majority of anything? The very term majority implies and assumes that more than one Deputy shall be present. But if, to use an expression of Jeremy Taylor, we allow for disputation, though we hold the contrary, that should there be a single Deputy elected by any parish, he might by a forced construction be considered as equal at least to a majority of her delegation, it is on the other hand clear that in every instance in which more than one Deputy, has been elected by any parish, it requires a majority two out of three, or three out of four, to unite in casting a vote by orders—for the provision is "*a majority from each Church having one vote.*"

It will be observed the provision is not a majority *present* from each Church having one vote, but "*a majority from each Church.*" This clearly means a majority of the dele-

gates elected by each parish or congregation to represent it in the Convention. (*Sec. IV, Art. III.*)

When it is intended to provide as to those *present or absent* the Constitution does so in express terms, as in Sec. II, Art. VII, in regard to the election of a Bishop, and in Article XII of altering the Constitution.

The framers of the Constitution of the General Convention were evidently of our opinion. The Second Article provides that the Church in each diocese shall be entitled to a representation of both the clergy and the laity, and that such representation shall consist of not more than four clergymen and four laymen, and that in all questions when required by the clerical or lay representation from any Diocese, each order shall have one vote, and then it goes on specifically to provide:

"If the Convention of any Diocese should neglect or decline to appoint Clerical Deputies, or if they should neglect or decline to appoint Lay Deputies, or if any of those of either appointed should neglect to attend, or be prevented by sickness or any other accident, such Diocese shall nevertheless be considered as duly represented by such deputy or deputies as may attend, whether lay or clerical."

If, then, it required a special provision in the Constitution of the General Convention to provide that a Diocese shall be considered as duly represented by any deputies who might attend, whether they were the full number elected or not, should it not require a similar express provision in our Constitution? If the framers of our Constitution had intended that one deputy might cast the vote of his Church when voting by orders, would they not have been careful as the framers of the Constitution of the General Convention, specifically to provide that the parish should be considered as duly represented by such deputy or deputies as might attend, and that on a vote by orders a single deputy might cast such vote? Would they, with such purpose in view, have used the language they did, to wit: "a majority from each church having one vote?"

For instance can it be that St. Luke's was represented by

a *majority from that church* when but *one* deputy remained and *three* withdrew?

With one single exception, that of the Holy Communion, of which three out of four deputies remained, no parish was represented in the body which remained by a majority of the deputies elected; and no other parish except that of the Holy Communion was represented by those who remained so as to be able to cast a vote by orders, had the Convention otherwise been legally organized.

If even, therefore, the Bishop had the power to overrule the decision of the Convention announced by himself that the Convention was not organized for business, and by his prerogative, as was claimed for him, disregarding the vote of the body to declare it so organized, he and those who remained were still unable to transact any business requiring a vote by orders.

The election of a Standing Committee, which the Constitution requires to be by ballot (Article IX), and the attempted alteration in the Constitution, which the Constitution requires to be made by a vote of Orders (Article XII), were both void and of no effect, even had the illegality of the Bishop's ruling not otherwise vitiated its proceedings.

2. *What was the strength in the Diocese as to those who remained as to numbers and contribution to the Church?*

One hundred and seventy-two Deputies were elected to represent the parishes in this Convention. (*See Journal, p. 14.*) Of these seventy-two attended. Out of these seventy-two but twenty were found to remain after the Bishop's refusal to allow an appeal from his ruling. And whom and what did these twenty represent?

We have not yet the annual tabulated statement of the Parochial and Missionary Reports for this year, but upon examining those of last year we have compiled a statement of the number of members and communicants respectively of the parishes which withdrew from the Convention and of those which remained, and of their respective contributions to Parochial and Missionary work in the Diocese, and a like statement of the Parishes which were not represented

at the Convention. From this table we present the following summary :

	SOULS.	COMMUNICANTS.	CONTRIBUTIONS—DIOCESAN AND PAROCHIAL.				TOTAL.
			CONVENTION FUND.	BISHOP'S FUND.	MISSIONS.	PAROCHIAL.	
Parishes which withdrew, or which have approved the action of those which did (including half of Trinity, Columbia).....	4,909	2,272	\$514 87	\$721 02	\$1,728 44	\$38,116 49	\$41,140 82
Parishes which remained, and which have not since disapproved the course of their Deputies who did (including half of Trinity, Columbia).....	2,315	900	131 75	171 90	450 33	11,190 77	11,944 84
Parishes not represented in the Convention.....	2,106	835	128 25	136 75	456 48	7,801 61	8,561 37
Total.....	9,470	4,007	\$774 82	\$1,029 76	\$2,635 25	\$56,908 87	\$61,647 03

It will thus be seen that (allowing Trinity Church, Columbia to be equally divided instead of from $\frac{7}{10}$ to $\frac{9}{10}$ in sympathy with those who withdrew, as stated without contradiction on the floor of the Convention) those who withdrew represented more than half of all the souls in connection with the Church represented and not represented, and more than two-thirds of those who were represented; that we represented more than half of all the communicants of the Church represented and unrepresented, and two-thirds of those represented.

But the disparity is still greater when we come to examine the table of contributions to Diocesan and Parochial expenses.

Thus those of us who withdrew represent Parishes which pay nearly two-thirds of the Convention expenses. More than two-thirds of the Bishop's fund, and nearly two-thirds of the contributions to missions, that is of all represented and unrepresented in the late Convention.

We represent very nearly four times as much paid to

the Convention fund, more than four times as much to the Bishop's fund, and nearly four times as much to missions as those who remained in the Convention. We represent more than two-thirds of all the contributions to Parochial work, and more than two-thirds of all Diocesan and Parochial combined. We represent nearly four times as much of Parochial contributions, and nearly the same of all Diocesan and Parochial contributions combined, as those who remained.

In the divisions which took place in the Convention, the small Missionary Parishes of St. John's, John's Island (150 souls), St. Mark's, Clarendon (61 souls), Church on Edisto (50 souls), and Grace Church, Anderson (60 souls)—numbering in all 320 souls, and represented by five Deputies in all, out-voted St. Philip's, St. Paul's, and Grace Churches, numbering 2,104 souls, represented in the Convention by twelve Deputies. These four small Parishes, not one of which is even self-supporting, out-voted these large Churches, whose annual contributions are nearly \$20,000, out of about \$60,000 of all the contributions in the Diocese.

With this showing, are not the views of those who withdrew entitled to consideration ?

CONCLUSION.

We withdrew from the Convention and left it, as we maintain, in the same disorganized condition in which it had been up to the time of our withdrawal ; and we deny that its subsequent proceedings are of any validity. We do not recognize the officers which those who remained elected, or admit the change in the Constitution which they undertook to make. We do not admit that there was any organized Convention in 1887.

We withdrew from this body, but we did not secede from the Church. We accept the Bishop's statement upon the adjournment of the body, calling itself the Convention. He said :

What is the effect of the withdrawal of these members? Some, I understand, think that they have withdrawn from the Church. Why, the Convention is not the Church; it is not the Diocese. It is simply the organ, the hand which the Diocese uses to effect its sacred purposes. Nor have even the Churches themselves withdrawn from the Convention—merely their delegates have withdrawn. The parishes are still in union with us, and will continue to be in union until by some organic action of their own they withdraw themselves from us and refuse to send deputies to the Convention. Even in that case they will be a part of the Diocese. So long as the people are in communion with the Bishop they are in the Diocese. For if it were necessary that a congregation should be in union with Convention to be a part of the Diocese, a great many would not be in union with the Church, as, for instance, St. Mark's Church, which has never belonged to this Convention."

It is now for you, brethren of the laity, to determine as to your future course. You may send deputies to the next Convention, or not, as you shall think is best. You will not impair your connection with the Church itself should you determine to withdraw from union with the Convention. In that case you will still be entitled as of matter of right to the ministrations of the Bishop and clergy. On the other hand, you may send your deputies there with instructions to abandon the position we have taken; you may elect others who will vote to change the ancient order of the Church, in this its third century in this State, to admit the colored element into its councils, and to brave the dangers in doing so, from which we shrink. You may send others who will give up your right to scrutinize and pass upon the List of the Clergy, whether made up by the Bishop or Standing Committee—who will make no question as to the right of appeal from the decision of the chair upon the organization of the Convention, or upon any other point.

Now that you have the whole facts before you, you must judge for yourselves as to our course. But those who withdrew from this last Convention cannot be made the instruments of inflicting, as we believe, such wrong and injury upon the Church, as we would have done had we remained and abandoned your right to pass upon the clergy list, and submitted to the refusal of the President to allow an appeal

from his decision. If this is to be done, you must choose other deputies to represent you in doing it.

C. G. MEMMINGER,

Deputy from St. Paul's Church, Radcliffeboro, Charleston.

EDWARD McCRADY, JR.,

Deputy from St. Philip's Church, Charleston.

W. ST. JULIEN JERVEY,

Deputy from St. Michael's Church, Charleston.

W. C. BENET,

Deputy from Trinity Church, Abbeville.

C. E. R. DRAYTON,

Deputy from St. Thaddæus Church, Aiken.

Committee.

APPENDIX A.

[JOURNAL OF THE CONVENTION OF NEW YORK, 1846.]

The Committee in relation to St. Philip's Church and other Colored Congregations, submitted the following Report :

REPORT COMMITTEE ON ST. PHILIP'S CHURCH.

The Committee to which was referred the subject of the admission of St. Philip's, and other colored congregations, into representation in the Convention of this Diocese, report :

That, in their view, the question referred to them is one exclusively relating to the temporal government of the Diocese, and is wholly unconnected with the religious rights or duties of the applicants. The Convention is but a part of what may be called the civil machinery, instituted by human wisdom, for the purpose of regulating the society by which and for whose benefit it was established. It is no more a part of our Church in this country, in a religious view, than are the civil establishments and the connection with the Government in England part of the Church there. In both countries the arrangements for the administration of the government of the Church are the result of experience and adaptation to circumstances. Among the considerations of expediency which any body of men, uniting together for a common purpose, would deem the most important, must be that of determining with whom they would associate, and who should be permitted to participate in the government of the society. Thus, for reasons of expediency, females, however worthy, are by our Canons excluded from being representatives in our Conventions, and are, by law, incapable of being incorporated as members of Churches. Candidates for Orders are, by a Canon of the General Convention, prohibited from being members of that body. These instances are sufficient to illustrate the principles on which our Church organizations are founded, and to show that they are entirely distinct from the religious rights and spiritual privileges of those who, in a spiritual view, are members of our Churches. If it be an incident to Church membership to be represented in the Councils of the Church, then have we, in common with all Christian denominations, from the time of the Apostles, unjustly and tyrannically deprived female members of sacred rights.

When society is unfortunately divided into classes, when some are intelligent, refined, and elevated in tone and character, and others are ignorant, coarse and debased, however unjustly, and when such prejudices exist between them as to prevent social intercourse on equal

terms, it would seem inexpedient to encounter such prejudices unnecessarily, and to endeavor to compel the one class to associate, on equal terms, in the consultations on the affairs of the Diocese, with those whom they would not admit to their tables, or into their family circles. Nay, whom they would not admit into their pews during public worship.

If Christian duty require that we should in all respects treat equally all persons, without reference to their social condition, should we not commence the discharge of that duty in our individual and social relations? And is not the fact that we have never so regarded our duty, or have wilfully violated it, sufficient evidence of the existence of a state of society among us that renders an amalgamation of such discordant materials impracticable, if not hazardous to our unity and harmony. We deeply sympathize with the colored race in our country, we feel acutely their wrongs, and not the least among them, their social degradation. But this cannot prevent our seeing the fact that they are socially degraded, and are not regarded as proper associates for the class of persons who attend our Convention. We object not to the color of the skin, but we question their possession of those qualities which would render their intercourse with the members of a Church Convention useful or agreeable, even to themselves.

We should make the same objections to persons of the same social class, however pure may be their blood, or however transparent their skin. It is impossible, in the nature of things, that such opposites should commingle with any pleasure or satisfaction to either. The colored people have themselves shown their conviction of this truth by separating themselves from the whites, and forming distinct congregations, where they are not continually humbled by being treated as inferiors. Why should not the principle on which they have separated themselves be carried out in the other branches of our Church organization? Striking instances are furnished in the early, and indeed in every period of the history of the Christian Church, of conformity in outward things, and in matters not essential to the customs, usages, and even prejudices of the age. We have in our own country inveterate customs and prejudices on the subject under consideration, which cannot be overcome. Is it not the part of wisdom to submit to them until, by a change of circumstances, the occasion for them shall cease to exist? Would not our present duty to this unfortunate race be fully performed by extended and liberal efforts to improve their mind and their condition, by intellectual culture, by religious instruction, and, as they advance in intelligence and refinement, by relaxing the severities of *caste*, which now separate us, until by degrees they become fitted for the duties and enjoyments of a higher social condition, and then admit them in our public and private intercourse, to free and equal communion?

The efforts of our zealous philanthropists to break down the barriers which custom has interposed, and which have so long existed between

the colored and other races, and against the laws of society and the sentiments and feelings of the community, to compel an unnatural and forced equality, have hitherto been attended with results equally unfortunate to the peculiar objects of their solicitude, and to the great interests and beneficent institutions in connection with which such efforts have been made. They have been directed to our common schools, and not satisfied with the abundant provision which has in many places been made for the education of colored children, their special friends and advocates have insisted that they should be admitted to the schools of white children, and have thus caused dissension and conflict, to the great injury of those institutions, while feelings of sympathy and commiseration have been too frequently converted into disgust and anger.

Efforts of a similar character, and for the same purpose, have been made to give position in our Churches to colored people which would compel association and intercourse with them. It is obvious that such movements are but incipient steps to ulterior objects in relation to the vexed and irritating subject of slavery. Beginning with simple, and apparently just propositions respecting the abstract rights of this portion of our population, their professed friends and advocates have advanced, step to step, until they have prepared the way to agitate the bold question of the Christian character of those whose sentiments do not accord with their own. The rending asunder of Churches, the disruption of societies, bitter animosities, and all manner of uncharitableness, have been the invariable results.

By the wise and prudent counsels of the Fathers of our Church, our denomination has been hitherto happily free from the agitation of these and kindred questions—such as temperance, or abstinence from liquors and wine—and the consequences have been peace and quiet among ourselves, and the respect of others. An instance of this caution is furnished in the case of St. Philip's Church, whose application to be represented in the Convention, is now under consideration. It appears from the Minutes of the Standing Committee of this Diocese, that in March, 1819, on the application of the lamented Bishop Hobart to that Committee, for advice in relation to the admission of a colored person as a candidate for Holy Orders, they unanimously advised his admission upon the distinct understanding that, in the event of his being admitted to Orders, he should not "be entitled to a seat in the Convention, nor should the congregation, of which he may have the charge, be represented therein."

It is understood that these conditions were approved by the Bishop, and were assented to by the applicant and the congregation. And although, that Church has been organized and in existence for more than a quarter of a century, it has, until now, abided by the terms they settled.

The present applicants, it is presumed, were not aware of these arrangements, as it is not to be supposed that they would, intentionally,

be guilty of a violation of good faith. Thus, for this long period, has this question been actually and peaceably settled, and remained undisturbed.

The legal, moral and equitable right of the Convention to determine what Churches it will admit into union, so as to entitle them to a representation in this body, seems to your Committee unquestionable. The fourth Canon provides certain indispensable conditions to entitle any Church to admission, but nowhere is it declared that these are the only conditions, and the invariable practice of the Convention in taking the vote upon the admission of any Church, shows that it has reserved to itself the right of judging of the expediency of the measure, after all the former requisites are complied with. Otherwise, the report of the Committee, certifying to the fact of such compliance, would be in itself conclusive. The provision in the same Canon requiring the preliminary approbation of the Bishop, or of the Standing Committee "of the incorporation of such Church," relates only to the separate and independent existence of the congregation as a separate body, and not to its union with, or representation in this Convention.

Besides, the very requirements of the Canon that Churches shall be politically incorporated before admission into union with the Convention, shows conclusively that the right of admission is subject to regulation, and therefore that such question is one purely of expediency, and not one of Christian privilege or right. Cases may easily be conceived, and such have actually occurred, where it would not only be highly inexpedient, but grossly unjust to existing Churches to admit into union new applicants. Various circumstances, more or less important, will necessarily enter into the consideration of the Convention, in determining such a question. In the short time allowed the Committee to consider the subject and to express their views, they have been unable to give such a full exhibition of all the considerations which present themselves, as they would have desired.

They think, however, that they have said enough to cause reflection and to show how full of difficulty would be the adoption of the principle in relation to St. Philip's Church, or any other colored congregation, of admitting their representatives to seats in this Convention. If once here, they would be entitled to all the consideration and to participate in all the duties and stations to which members may be assigned, or we shall practically repudiate the principle which admitted them.

It is not believed that this Convention, for instance, would send one of them as a deputy to the General Convention, on account of the offence it would occasion to our brethren of other Dioceses. Thus their condition would be practically and continually one of inferiority and humiliation—more painfully aggravated by the expectation induced by an act which apparently promised their perfect equality. Your Committee do not believe that such an equality can be produced; that in the nature of things it can exist in this community—great and palpable inequality must prevail to the extent of preventing the colored

race from any active participation in our Church government—and they believe that an attempt to correct it, contrary to the feelings and customs of our country, would not only be abortive, but would be attended with the worst consequences to our unity, our harmony, and our efficiency. They therefore recommend that neither St. Philip's, nor any other colored congregation, be admitted into union with this Convention, so as to entitle them to a representation therein. The consequence of such a determination probably will be, that such Churches and congregations will not be responsible to, or under the government or control of this Convention, but remain subject to the ordinary jurisdiction of their Bishop—and when their members become adequate, may have Church Councils of their own for their own peculiar government.

All which is respectfully submitted,

(Signed)

WM. H. HARISON.

REUBEN SHERWOOD.

J. C. SPENCER.

New York, October 2, 1846.

APPENDIX B.

FLAT ROCK, SEPTEMBER 28th, 1881.

Rt. Rev. W. B. W. Howe, Bishop :

RT. REV. AND DEAR SIR: The thoughtful Christians of the Southern States see that in the providence of God a great duty has been cast upon them by being placed in the midst of the ignorant multitude of colored population which surrounds them. The members of the Episcopal Church responded to this duty during the period of slavery, by erecting chapels for public worship on many plantations, and by providing for religious worship and teaching of the colored population in all the Parish Churches.

Emancipation has changed all this; and on the return of peace, the colored population of all denominations retired from the white Churches, and in spite of every effort which has been made for joint worship, they have all established for themselves separate places of worship, and in nearly all these have set apart Churches of their own color. It is now more than fifteen years that this state of things has continued, and the most persistent efforts of those ministers of our Church who had been their Pastors for many years have been unable to bring back to their Congregations even those members to whom they formerly ministered in person. The only exception is a small fraction of colored persons who had always been free, and who differed in so many respects from the colored Congregations as not to affect materially the policy which is recognized for the general colored population.

It may then be affirmed as a settled fact that the colored population will not unite with the whites in common religious worship or organizations.

Any effort, therefore, to continue the former arrangement for mixed worship will result simply in excluding them from the Church. Would it not be better to devise some plan which, without yielding up things essential, might yet afford to this large population in some form the benefits of the ministrations of our Church?

The Church of Christ, through one catholic and universal Church, has always embraced various and separate organizations, and our own branch, since the Revolutionary War, has afforded an example of separation without destroying unity. Separate nationalities, therefore, are admitted to be a sufficient foundation for separate organizations. Is it essential to these that the nationalities should occupy different territory? It was once thought that the Parish Churches must occupy different territory, but the necessities of cities compelled an abandon-

ment of this idea, and the Parish jurisdiction was transferred from the territory, to the members of each particular congregation.

By parity of reasoning a national Church instead of being designated by territory might be organized for the members of a particular nationality, for example take the large body of Germans in our midst and who would not understand ministrations in English, would it not be consistant with principle to give them ministrations in their own language. And has not the Church recognized the necessity by giving them the Prayer Book and Testament. Their Pastor would preach to them in their own language, and would anything seem more reasonable than to allow them a Bishop of their own nationality and habits.

The apparent anomaly of two Bishops in the same territory, would be as easily adjusted as has been with two Rectors in the same city.

I would respectfully submit then that our Church must accept the suggestion, that there must be a separate organization for the negroes, and that it will have to adopt legislation to this end. But inasmuch as a general question requires the action of the General Convention, and would demand much time, I propose to consider if something cannot be done in the meantime in the separate Dioceses.

1. The first measure which I would suggest would be to organize separate colored congregations in proper localities.

These localities can be adjusted by the previous experience of the Church. They formerly extended over the whole lower country of our State and are so numerous, that even if the negroes were willing to accept white ministers a sufficient number of them could not be had or supported. It must be accepted therefore, as a necessity, that the Preachers in these Churches must be colored.

Their numbers would necessarily be so great and their acquaintance with Church government so imperfect that no Diocesan Convention could admit them to seats. They could not, therefore, be accepted as part of the regular Clergy with existing privileges, but would properly be commissioned as evangelists or some inferior order of Clergy.

2. My second proposition then would be, that the Bishop should in such manner as might be deemed advisable appoint colored Lay Evangelists or some other inferior order of Clergymen for each of the congregations which may be established to hold office and to be subject to removal at his pleasure.

3. In order to locate Churches, organize congregations, and recommend appointment and dismissal of preachers or teachers, and generally to superintend the whole colored Church arrangements, the Bishop shall nominate a Standing Committee of six members of our Church, who shall forthwith take charge of the whole subject and adopt such measures for organizing, evangelizing and bringing into the Church the whole colored population as they shall deem wise and proper, subject to the approval of the Bishop.

4. The Church, when organized, shall be placed under the supervision of the nearest and most conveniently situated minister of our Church ; and it shall be his duty to attend said Churches at convenient seasons to administer the ordinances of the Church and to see that the services are properly conducted, and the said Clergyman shall report to the Bishop or Standing Committee any irregularities or improvements as he shall see fit.

All which is respectfully submitted for your consideration, with assurances of respect and esteem from

Yours truly,

(Signed.)

C. G. MEMMINGER.

